



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

February 15, 2006

SUBJECT: **2006-0028** – Application on a 6,710 square-foot site located at **1326 Egret Drive** (near Ashbourne Drive) in an R-0 (Low-Density Residential) Zoning District.

Motion Variance from Sunnyvale Municipal Code section 19.48.100 to allow mechanical equipment within the 10-foot rear yard setback.

REPORT IN BRIEF

Existing Site Conditions Single family home

Surrounding Land Uses

North Single family home

South Single family home

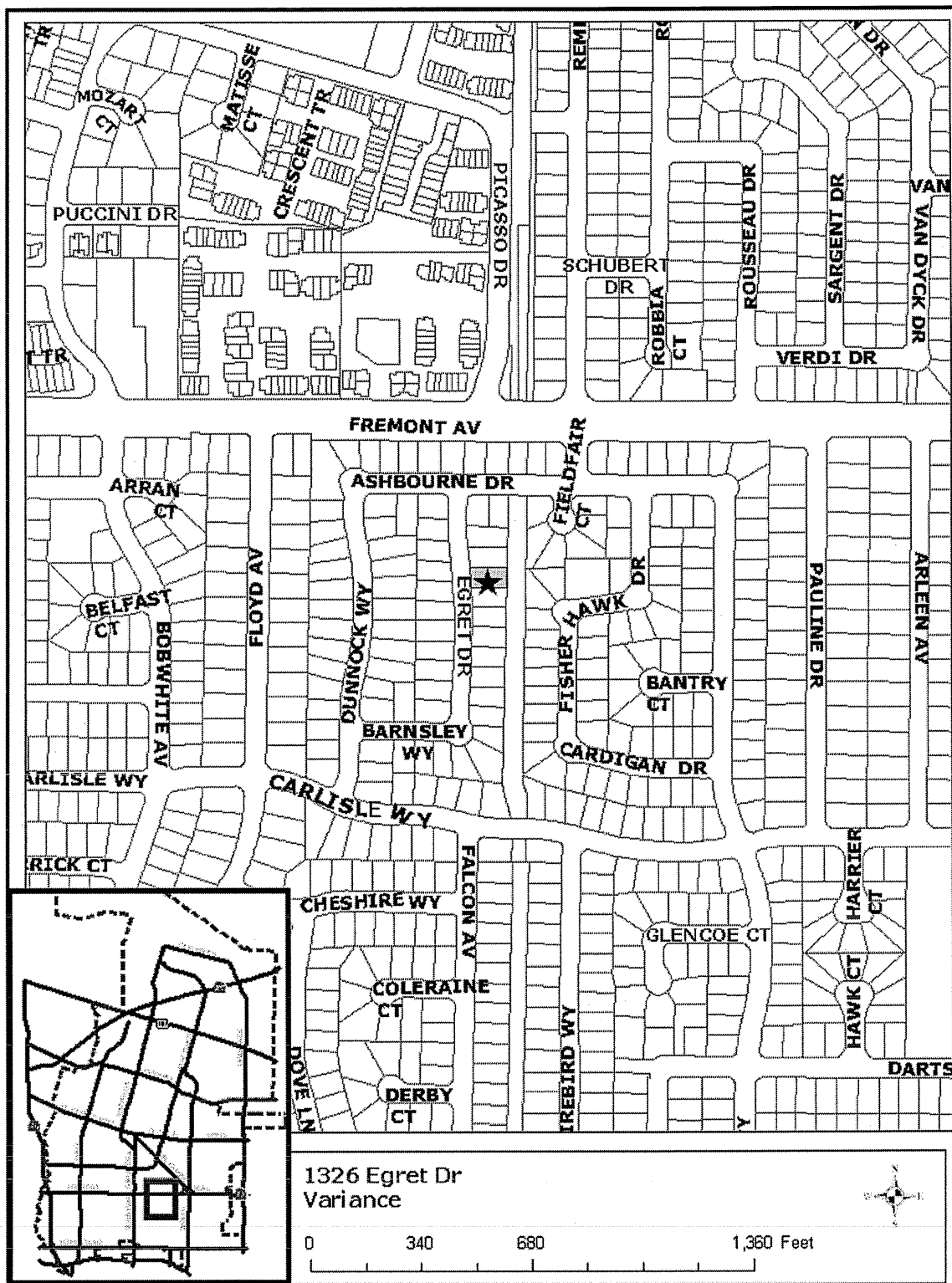
East Across Water District property (Sunnyvale East Channel), Single family home

West Across Egret Drive, Single family home

Issues Noise

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Denial



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	Residential Low Density
Zoning District	R-0	Same	R-0
Lot Size (s.f.)	6,710	Same	6,000 min.
Setbacks (Facing Property)			
Rear	10	8'6"	10 min.



Starred items indicate deviations from Sunnyvale Municipal Code requirements.

ANALYSIS**Description of Proposed Project**

The applicant has requested permission to locate a heat pump-air conditioning mechanical unit in the rear yard within 10 feet of the rear property line.

Background

On December 22, 2005, the subject site was approved for construction of a detached bedroom with a bathroom to be located in the rear yard of the property, 10 feet from the existing one-story house and 10 feet from the rear property line. The detached bedroom has not been constructed. The mechanical unit under review was initially proposed to be located between the two structures. Subsequent to the approval, the applicant submitted this Variance request to locate the mechanical equipment behind the new structure for aesthetic reasons.

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include minor changes to existing structures.

Variance

Site Layout: The site provides a standard layout for a single family home on a rectangular lot. The one-story house and garage face Egret Street. A detached bedroom and bathroom were recently approved for the rear yard area. The mechanical unit was initially located between the two buildings. The applicant has since requested relocating the mechanical unit to behind the detached

bedroom, which will cause the unit to protrude into the 10 foot required rear yard setback area.

Compliance with Development Standards/Guidelines:

This application is not in compliance with Sunnyvale Municipal Code 19.48.100 which states that mechanical units which are higher than 18 inches must meet the rear and side yard setbacks.

Expected Impact on the Surroundings:

One of the reasons the Ordinance is in place to reduce the noise impact on the neighboring properties. Given the location, the mechanical unit is more likely to have an acoustic impact on the neighbor located next to the subject site rather than behind it; however, the proposed location does meet the required side yard setbacks. Given the location of the Sunnyvale East Channel abutting the rear property line, the property located across the Sunnyvale East Channel is not likely to be impacted by and noise emitting from the mechanical equipment.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

No communication was received on this project.

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">Published in the <i>Sun</i> newspaperPosted on the site57 notices mailed to property owners and residents within 300 feet of the project site	<ul style="list-style-type: none">Posted on the City of Sunnyvale's WebsiteProvided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">Posted on the City's official notice bulletin boardCity of Sunnyvale's WebsiteRecorded for SunDial

Conclusion

Discussion: The primary concerns for the placement of a mechanical unit are visibility and noise impacts. These potential concerns are not considered to be relevant in this case as the rear yard is fenced, the unit meets the side yard setbacks, and the rear yard neighbor is located approximately 30 feet across the Sunnyvale East Channel.

Findings and General Plan Goals: Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Administrative Hearing Officer is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Do not approve the Variance.
2. Approve the Variance with attached conditions.
3. Approve the Variance with modified conditions.

Recommendation

Alternative 1.

Prepared by:


Jamie McLeod
Project Planner

Reviewed by:


Andrew Miner
Principal Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Justifications and Pictures from the Applicant
- E. Area Map Showing Neighboring Lots

Recommended Findings - Variance

1. Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner or privileges enjoyed by other properties in the vicinity and within the same zoning district [Finding NOT made]. The rear yard abuts the Sunnyvale East Channel, meaning the neighbor to the rear of the property is located at least 30 feet away. However, there are several other neighboring properties with similar site characteristics abutting the Channel. Approving this Variance may set a precedent for the properties abutting similar Water District facilities.
2. The granting of the Variance will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the same zoning district [Finding made]. The proposed mechanical equipment is not expected to be visible to any of the neighbors. The proposed location meets the required side yard setbacks, and any potential noise disturbance would be addressed through the City's Noise Ordinance. Further, the proposed setback is greater than the corresponding side yard setback for the equipment, and thus the noise is not anticipated to provide a disturbance to the rear yard neighbor, nor to any natural wildlife that may reside on the Water District property.
3. Upon granting of the Variance, the intent and purpose of the ordinance will still be served and the recipient of the Variance will not be granted special privileges not enjoyed by other surrounding property owners within the same zoning district [Finding made]. While there are other properties located along the Sunnyvale East Channel, this would not be an inappropriate precedent to set of those properties. And this privilege would not be appropriate for properties not located along a similar type Water District facility buffer.

Recommended Conditions of Approval - Variance

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing. Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Obtain other permits as necessary.
- C. Locate the mechanical unit no closer than 8 feet from the rear yard setback and no closer than 4 feet from the side yard setback.
- D. Ensure that the mechanical unit meets the City's Noise Ordinance requirements.

DRAWING INDEX

A-1	DRAWING INDEX: GENERAL, INTERIOR, BUILDING AREA ANALYSIS, FLOOR AND WALL CALCULATIONS, SITE PLAN, LANDSCAPE PLAN, PLANT, LEGEND, PROPOSED ROOF PLAN.
A-2	EXTERIOR ELEVATIONS.
A-3	INTERIOR ELEVATIONS.
A-4	DETAILS.
A-5	NOTES AND NOTES.
A-6	SPECIFICATIONS AND NOTES.
A-7	SPECIFICATIONS AND NOTES.
A-8	STRUCTURAL DETAILS.
A-9	STRUCTURAL DETAILS.
B-1	MINIMUM COMPLIANCE, MANDATORY.
B-2	MINIMUM COMPLIANCE, MANDATORY.
B-3	MINIMUM COMPLIANCE, MANDATORY.
B-4	MINIMUM COMPLIANCE, MANDATORY.
B-5	MINIMUM COMPLIANCE, MANDATORY.
B-6	MINIMUM COMPLIANCE, MANDATORY.
B-7	MINIMUM COMPLIANCE, MANDATORY.
B-8	MINIMUM COMPLIANCE, MANDATORY.
B-9	MINIMUM COMPLIANCE, MANDATORY.
B-10	MINIMUM COMPLIANCE, MANDATORY.
B-11	MINIMUM COMPLIANCE, MANDATORY.

[illegible]

SETBACK & ZONING REQUIREMENT

YARD AREA:	1,235.6 SQ. FT.
TABLE ENCROACHMENT AREA:	308.95 SQ. FT.
PROPOSED ENCROACHMENT AREA:	245.20 SQ. FT.
FOR GARAGE CLEARANCE:	18 1/2 X 19'

SITE DATA

APN: 309-050-024	
ZONE: R0	
CONSTRUCTION TYPE: V-N	
LOT AREA: 6,710.00 SQ. FT.	
FLOOR AREA LIMIT: 3,019.5 SQ. FT.	
MAXIMUM COVERAGE: 3,019.5 SQ. FT.	
(4% OF LOT AREA)	
(E) RESIDENCE: 1,518.0 SQ. FT.	
(E) GARAGE: 47.0 SQ. FT.	
(E) G. GARAGE: 1,996.0 SQ. FT.	
TOTAL EXISTING AREA: 446.7 SQ. FT.	
PROPOSED SHEED: 446.7 SQ. FT.	
TOTAL AVAILABLE AREA: 575.5 SQ. FT.	

BASED ON ORIGINAL APPROVED
SITE PLAN ANALYSIS

**I K B**

EXCELLENCE IN DESIGN, CONSTRUCTION & INTERIORS

346 MAIN ST. LOS ALTOS, CA 94022 OFFICE PHONE: 650. 941.4384
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THE KUMAMOTO / WOOD
SHED
1326 EGRET DRIVE
SUNNYVALE, CA 94087
(408) 773-9725

**PROPOSED
SITE PLAN
& VICINITY MAP**

SCALE: AS NOTED

DATE: 01/03/06

ДКАМНБХ: А/В/Р/Н

FILE NO. 101-17

NO. DATE

1.3	1/08/06	VARIA
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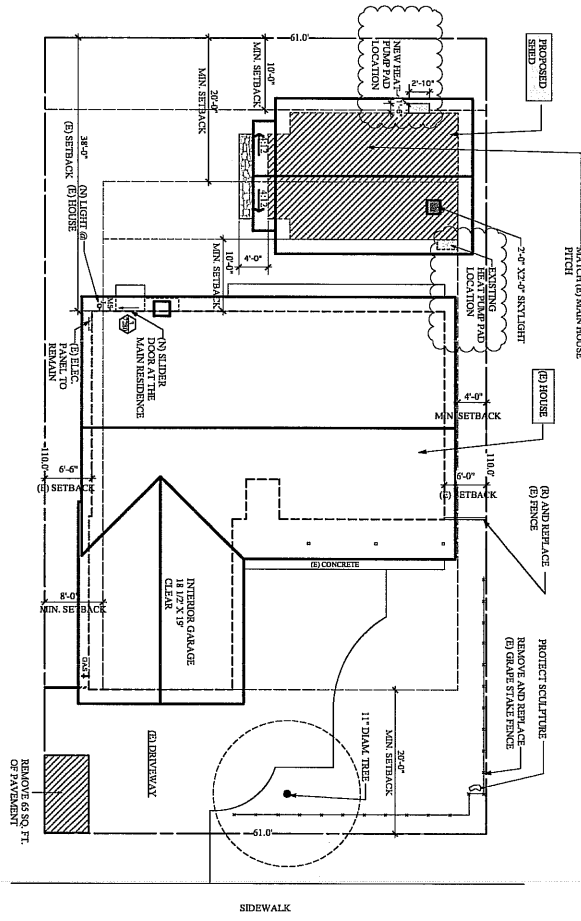
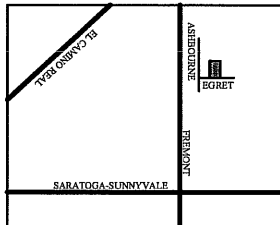
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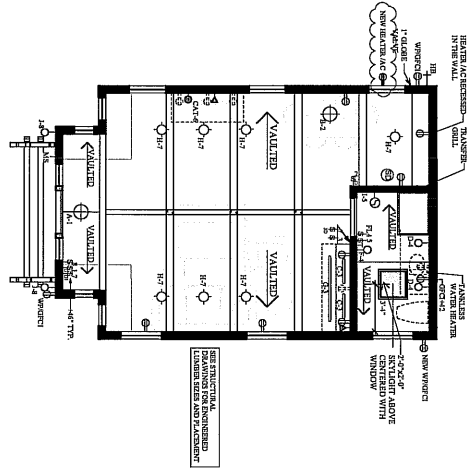
PROPOSED SITE PLAN



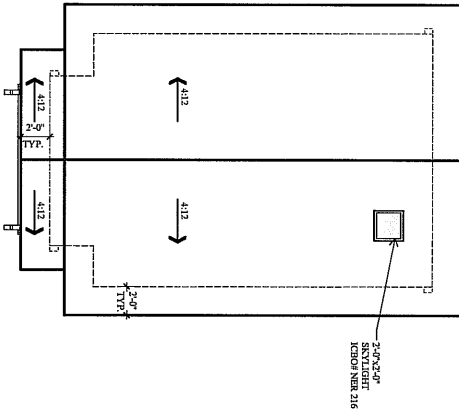
EGRET DRIVE



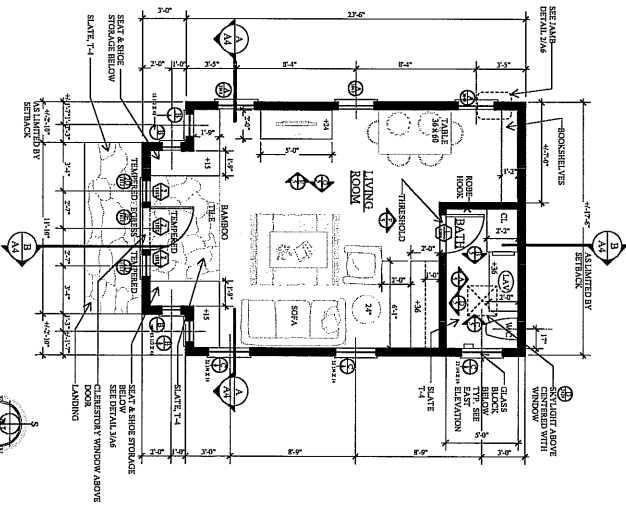
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◇	MONORAIL	○	RECESSED 4"
◇	WALL MOUNTED EXHAUST FAN	●	RECESSED WALL WASHER
+	HOSE BIBB / WATER	—○	SCORCE
⊖	OUTLET 240 VOLT	⊖	SMOKE DETECTOR
⊖	OUTLET 120 HOT	⊖	SWITCH TYPE
⊖	OUTLET DUPLEX	⊖	SWITCH 3 WAY
⊖	OUTLET FLOOR	⊖	SWITCH DIMMER
⊖	PENICONT	⊖	SWITCH TRIMER
⊖	MOTION SENSOR	⊖	TELEPHONE
⊖	WALL MOUNTED AUTO ON/OFF OR AUTO ON/ALTO OFF	⊖	TELEVISION
⊖	WALL MOUNTED AUTO ON/OFF OR AUTO ON/ALTO OFF	⊖	UNDERCABINET LIGHTING



PROPOSED REFLECTED CEILING/
ELECTRICAL/MECHANICAL/ 1/4"=1'-0"
PLUMBING PLAN



PROPOSED ROOF PLAN



PROPOSED FLOOR PLAN

**I K B**

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**PROPOSED
FLOOR PLANS
& REFLECTED
CEILING PLANS**

SCALE: AS NOTED

DATE: 01/03/06

DRAWN BY: K.V/PH

DEFINITION.

NO.	DATE
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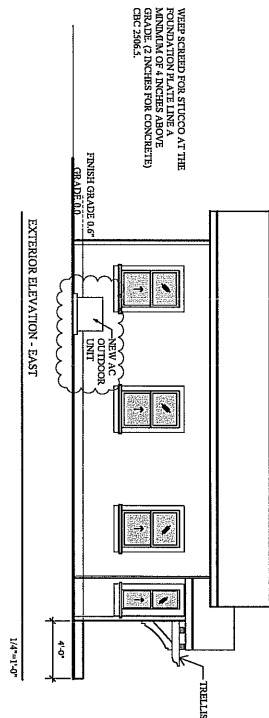
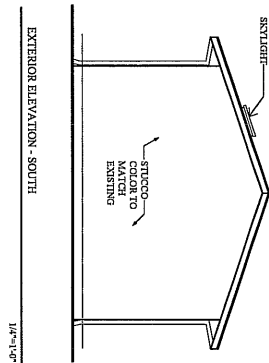
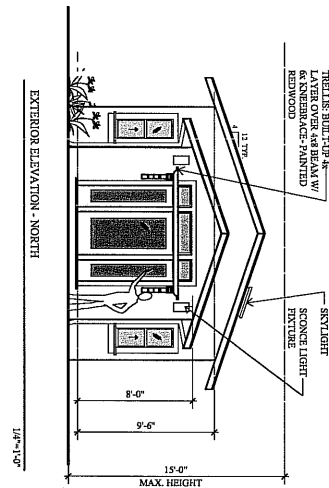
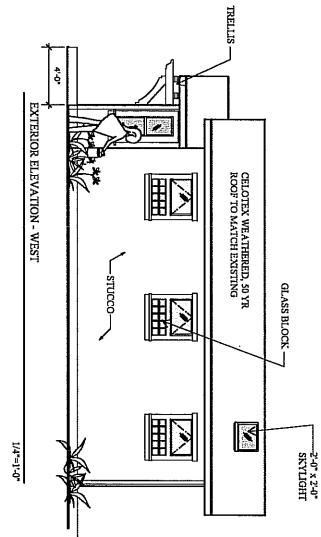
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2.		

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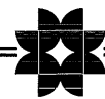
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A-2



WITH SCREED FOR STUCCO AT THE
FOUNDATION PLATE LINE (A
MINIMUM OF 4 INCHES ABOVE
GRADE (2 INCHES FOR CONCRETE)
ONE 2\"/>



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PROPOSED
EXTERIOR
ELEVATIONS

SCALE: AS NOTED

DATE: 01/01/06

DRAWN BY: NVTH

PAGE NO: 1 OF 14

REVISION:

NO.	DATE	DESCRIPTION
1	01/01/06	ISSUED FOR PERMIT
2		ISSUED FOR PERMIT
3		
4		
5		
6		

A-3

Date: 01/09/06
To: Planning Commission or the Administrative Hearing Officer
Item: Placement of AC/Heat Pump in Rear Set Back
From: Don Kumamoto and Peggy Wood

Brief Written Description of Project:

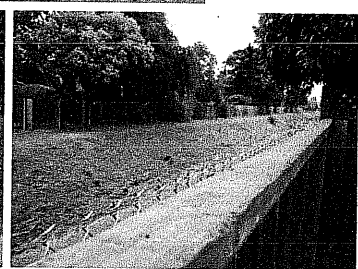
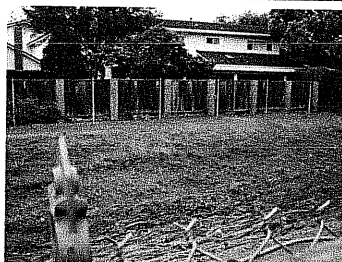
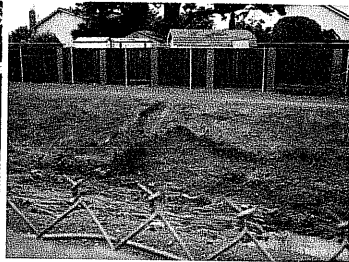
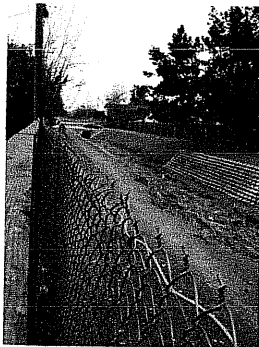
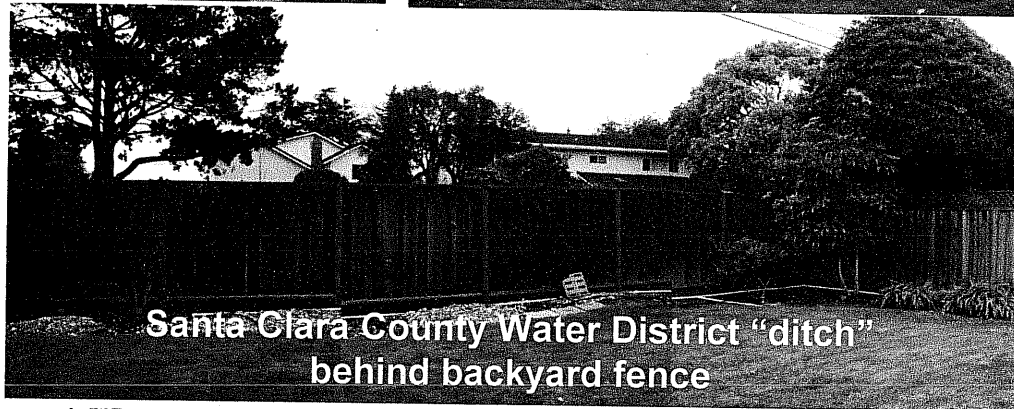
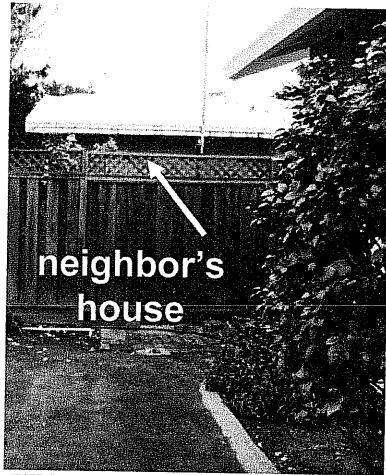
We would like to submit these sets of plans for review for a zoning variance. We are proposing the AC/Heat pump be placed in the rear set back rather than between the main house and the accessory unit.

Justifications:

1. Original placement in between the new accessory unit and the main house is noisier for the owners as well as the side neighbors. The existing Santa Clara Water District ditch separates the rear fence to the neighbors' rear fence with approximately 50 feet of space. The placement of the AC/heat pump in the rear setback of this area would ensure less noise pollution to all families. The rear neighbors should not be affected by the placement of the unit. See photos.
2. The granting of this variance will not be detrimental to the public or injurious to property. The sound generated from the AC/heat pump equipment is 49dBA at maximum. This is lower than both the day and night city sound pollution requirements. The size of the unit is only 3 ½" taller than the non-restricted unit.
3. The ordinance's intent is to limit noise for all families. Placement of the unit in this low use area would not grant the homeowners any special privileges not enjoyed by other property owners in the same district.

Thank you for your consideration.

1326 Egret Drive, Sunnyvale, CA 94087
Peggy Wood and Don Kumamoto, Homeowners



Views over our
back fence
of the ditch
looking left to
right (north to
south)

